

1 **REPORT TO THE ONEIDA COUNTY BOARD OF SUPERVISORS**
2 **RECOMMENDING DENIAL OF REZONE PETITION # 04-2006**

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4 Resolution offered by the Supervisors of the Planning and Zoning Committee.

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6 Resolved by the Board of Supervisors of Oneida County, Wisconsin:

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8 **WHEREAS**, the Planning and Zoning Committee has reviewed Rezone Petition #04-
9 2006, (copy attached), which was filed March 6, 2006 by the landowner to change the zoning
10 district from #02 Single Family to #03 Multiple Family in the Town of Schoepke; and

11
12 **WHEREAS**, the petitioner is requesting to rezone property described as part of
13 Government Lot 3, Section 15, T35N, R11E, Town of Schoepke, which consists of Lots A, B,
14 & C totaling 4.70 acres; and

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16 **WHEREAS**, a public hearing was held on March 29, 2006 at the Oneida County
17 Courthouse pursuant to 59.69(5), Wisconsin Statutes; and

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19 **WHEREAS**, one attorney representing a neighboring landowner appeared at the
20 public hearing opposed to said change and emphasized that all of Upper Post Lake
21 Shorelands in Oneida County are zoned Single Family Residential with this single property
22 being requested for change, dissimilar to all other shorelands. The change requested was for
23 the benefit of the property owner, not the public. The change should be considered a spot
24 zone; and

25
26 **WHEREAS**, the Town of Schoepke approved of said change (copy attached); and

27
28 **WHEREAS**, the Planning & Zoning Committee remains concerned over the small size
29 of the petitioners land, along with the fact that all other water front property on Upper Post
30 Lake in Oneida County is zoned Single Family Residential; and

31
32 **WHEREAS**, the Planning and Zoning Committee, being fully informed of the facts and
33 after full consideration of the matter, made the following findings and recommendation, which
34 the Oneida County Board of Supervisors has determined are reasonable. The Planning &
35 Zoning Committee reviewed Section 9.86(F) General Standards of the Oneida County Zoning
36 & Shoreland Protection Ordinance. The Committee concluded the following:

- 37 1. The change was not in accordance with the purpose of this ordinance.
38 2. Conditions have not changed in the area generally that justify the change proposed
39 in the petition.
40 3. The change was not in the public interest and would benefit only the petitioner.
41 4. The proposed change would adversely affect the character of the neighborhood.
42 5. The uses permitted by the proposed change are not appropriate for the area and
43 would likely generate conflicts amongst neighbors.
44 6. The small size of the parcel would very likely be considered a spot zone, potentially
45 subject to a legal challenge.
46 7. Neighboring landowners were opposed to the change; and

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48 **NOW THEREFORE BE IT RESOLVED**, that the Oneida County Board of Supervisors
49 accepts the foregoing as the Planning and Zoning Committee's report recommending denial
50 of rezone petition #04-2006.
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NOW BE IT FURTHER RESOLVED, by the Oneida County Board of Supervisors that Rezone Petition #04-2006 is hereby denied. Within seven (7) days of passage, the County Clerk shall send a certified copy along with the final results of the Board's decision to the petitioner and the Schoepke Town Clerk.

Submitted this 5th day of April 2006.

Vote Required: Majority = _____ 2/3 Majority = _____ 3/4 Majority = _____

The County Board has the legal authority to adopt: Yes _____ No _____ as reviewed by the Corporation Counsel, _____, Date: _____

Offered and passage moved by:

Supervisor

Supervisor

Supervisor

Supervisor

Supervisor

Seconded by: _____

_____ Ayes

_____ Nays

_____ Absent

 Abstain

_____ Adopted

by the County Board of Supervisors this day of 2005.

_____ Defeated

Robert Bruso, Clerk

Andrew P. Smith, County Board Chair